

112TH CONGRESS  
2D SESSION

# H. R. 4321

To amend the Internal Revenue Code of 1986 to repeal the excise tax  
on heavy trucks and trailers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. GERLACH (for himself and Mr. BLUMENAUER) introduced the following  
bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to repeal  
the excise tax on heavy trucks and trailers, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Heavy Truck Tax  
5 Fairness Act of 2012”.

6       **SEC. 2. REPEAL OF EXCISE TAX ON HEAVY TRUCKS AND**  
7               **TRAILERS.**

8       (a) IN GENERAL.—Chapter 31 of the Internal Rev-  
9       enue Code of 1986 (relating to retail excise taxes) is

1 amended by striking subchapter C (relating to heavy  
2 trucks and trailers).

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 4002(d)(2) of such Code is amend-  
5 ed by inserting “(as in effect before the date of the  
6 enactment of the Heavy Truck Tax Fairness Act of  
7 2012)” after “section 4052(b)”.

8 (2) Section 4072(c) of such Code is amended by  
9 inserting “(as in effect before the date of the enact-  
10 ment of the Heavy Truck Tax Fairness Act of  
11 2012)” after “section 4053(8)”.

12 (3) Section 4221 of such Code is amended—

13 (A) in subsection (a) by striking “4051,  
14 or”, and

15 (B) in subsection (c) by striking “,  
16 4001(d) or 4053(6)” and inserting “or  
17 4001(d)”.

18 (4) Section 4222(d) of such Code is amended  
19 by striking “4053(6),”.

20 (5) Section 4293 of such Code is amended by  
21 striking “section 4051,”.

22 (6) Section 6416(b)(6) of such Code is amend-  
23 ed—

24 (A) in subparagraph (A) by inserting “on  
25 or before the date of the enactment of Heavy

1           Truck Tax Fairness Act of 2012” after “sec-  
2           tion 4051”, and

3                   (B) in subparagraph (B) by inserting “on  
4           or before such date” after “section 4051”.

5           (7) Section 9503(b)(1) of such Code is amend-  
6           ed by striking subparagraph (B) and redesignating  
7           subparagraphs (C), (D), and (E) as subparagraphs  
8           (B), (C), and (D), respectively.

9           (8) The table of subchapters for chapter 31 of  
10          such Code is amended by striking the item relating  
11          to subchapter C.

12          (c) EFFECTIVE DATE.—The amendments made by  
13          this section shall apply to articles sold by the manufac-  
14          turer, producer, or importer after the date of the enact-  
15          ment of this Act.

16   **SEC. 3. INCREASE IN TAX ON DIESEL FUEL OR KEROSENE.**

17          (a) IN GENERAL.—

18                  (1) Clause (iii) of section 4081(a)(2)(A) of the  
19          Internal Revenue Code of 1986 is amended by strik-  
20          ing “24.3 cents” and inserting “30.7 cents”.

21                  (2) EFFECTIVE DATE.—The amendment made  
22          by paragraph (1) shall apply to fuel removed, en-  
23          tered, or sold after the date of the enactment of this  
24          Act.

25          (b) FLOOR STOCKS TAX.—

1           (1) IMPOSITION OF TAX.—In the case of any  
2       taxable liquid which is held on the floor stocks tax  
3       date by any person, there is hereby imposed a floor  
4       stocks tax equal to the excess of the tax which would  
5       be imposed on such liquid under section 4041 or  
6       4081 of the Internal Revenue Code of 1986 had the  
7       taxable event occurred on the floor stocks tax date  
8       over the tax paid under any such section on such liq-  
9       uid.

10          (2) LIABILITY FOR TAX AND METHOD OF PAY-  
11       MENT.—

12                (A) LIABILITY FOR TAX.—A person hold-  
13       ing a liquid on the floor stocks tax date to  
14       which the tax imposed by paragraph (1) applies  
15       shall be liable for such tax.

16                (B) METHOD OF PAYMENT.—The tax im-  
17       posed by paragraph (1) shall be paid in such  
18       manner as the Secretary shall prescribe.

19                (C) TIME OF PAYMENT.—The tax imposed  
20       by paragraph (1) shall be paid on or before the  
21       date which is 6 months after the floor stocks  
22       tax date.

23          (3) DEFINITIONS.—For purposes of this sub-  
24       section—

1 (A) HELD BY A PERSON.—A liquid shall  
2 be considered as held by a person if title thereto  
3 has passed to such person (whether or not de-  
4 livery to the person has been made).

5 (B) TAXABLE LIQUID.—The term “taxable  
6 liquid” means diesel fuel and kerosene (other  
7 than aviation-grade kerosene).

8 (C) FLOOR STOCKS DATE.—The term  
9 “floor stocks tax date” means the date of the  
10 enactment of this Act.

11 (D) SECRETARY.—The term “Secretary”  
12 means the Secretary of the Treasury.

13 (4) EXCEPTION FOR EXEMPT USES.—The tax  
14 imposed by paragraph (1) shall not apply to taxable  
15 liquid held by any person exclusively for any use to  
16 the extent a credit or refund of the tax imposed by  
17 a section of such Code is allowable for such use.

18 (5) EXCEPTION FOR FUEL HELD IN VEHICLE  
19 TANK.—No tax shall be imposed by paragraph (1)  
20 on taxable liquid held in the tank of a motor vehicle  
21 or motorboat.

22 (6) EXCEPTION FOR CERTAIN AMOUNTS OF  
23 FUEL.—

24 (A) IN GENERAL.—No tax shall be im-  
25 posed by paragraph (1) on any liquid held on

1 the floor stocks tax date by any person if the  
2 aggregate amount of liquid held by such person  
3 on such date does not exceed 2,000 gallons.  
4 The preceding sentence shall apply only if such  
5 person submits to the Secretary (at the time  
6 and in the manner required by the Secretary)  
7 such information as the Secretary shall require  
8 for purposes of this subparagraph.

9 (B) EXEMPT FUEL.—For purposes of sub-  
10 paragraph (1), there shall not be taken into ac-  
11 count fuel held by any person which is exempt  
12 from the tax imposed by paragraph (1) by rea-  
13 son of paragraph (4) or (5).

14 (C) CONTROLLED GROUPS.—For purposes  
15 of this section—

16 (i) CORPORATIONS.—

17 (I) IN GENERAL.—All persons  
18 treated as a controlled group shall be  
19 treated as 1 person.

20 (II) CONTROLLED GROUP.—The  
21 term “controlled group” has the  
22 meaning given to such term by sub-  
23 section (a) of section 1563 of such  
24 Code; except that for such purposes  
25 the phrase “more than 50 percent”

1 shall be substituted for the phrase “at  
 2 least 80 percent” each place it ap-  
 3 pears in such subsection.

4 (ii) NONINCORPORATED PERSONS  
 5 UNDER COMMON CONTROL.—Under regula-  
 6 tions prescribed by the Secretary, prin-  
 7 ciples similar to the principles of clause (i)  
 8 shall apply to a group of persons under  
 9 common control where 1 or more of such  
 10 persons is not a corporation.

11 (7) OTHER LAWS APPLICABLE.—All provisions  
 12 of law, including penalties, applicable with respect to  
 13 the taxes imposed by chapter 31 or 32 of such Code  
 14 shall, insofar as applicable and not inconsistent with  
 15 the provisions of this section, apply with respect to  
 16 the floor stock taxes imposed by paragraph (1) to  
 17 the same extent as if such taxes were imposed by  
 18 such chapter.

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